

Agenda

REVISED



Tempe City Council

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Harry E. Mitchell Government Center

Municipal Building

Council Chambers

31 East Fifth Street

7:30 P.M.

The City of Tempe endeavors to make all public meetings accessible to persons with disabilities. With 48 hours advance notice, special assistance can also be provided for sight and/or hearing impaired persons at public meetings. Please call (480) 350-8241 (voice) or (480) 350-8400 (TDD) to request an accommodation to participate in the City Council meeting.

August 19, 2004

1. **INVOCATION – Councilmember Hutson**
2. **PLEDGE OF ALLEGIANCE**
3. **MINUTES – Vice Mayor Mitchell**
 - A. Approval of Council Meeting Minutes
 - B. Acceptance of Board & Commission Meeting Minutes
 1. Aviation Commission – June 8, 2004 [20040819tavco01.pdf](#)
 2. Board of Adjustment – June 23, 2004 [20040819boa01.pdf](#)
 3. Community Special Events Task Force – August 3, 2004 [20040819cself01.pdf](#)
 4. Hearing Officer – July 20 & August 3, 2004 [20040819ho01.pdf](#)
[20040819ho02.pdf](#)
 5. Human Relations Commission – June 8, 2004 [20040819hrc01.pdf](#)
 6. Judicial Advisory Board – July 19, 2004 [20040819jab01.pdf](#)
 7. Planning and Zoning Commission – July 8, September 23, December 6 & 9, 2003, May 25, June 8, 22 & 29, 2004 [20040819pz01.pdf](#) [20040819pz02.pdf](#)
[20040819pz03.pdf](#) [20040819pz04.pdf](#) [20040819pz05.pdf](#) [20040819pz06.pdf](#)
[20040819pz07.pdf](#) [20040819pz08.pdf](#)
 8. Tempe Fire Public Safety Personnel Retirement Board – May 6, 2004
[20040819fpsprb.pdf](#)
 9. Tempe Police Public Safety Personnel Retirement Board – June 3, 2004
[20040819ppsrpb.pdf](#)
4. **REPORTS AND ANNOUNCEMENTS**
 - A. Mayor's Announcements
 - 2004 Governor's Heritage Preservation Award - Mark Vinson
 - AWPCA Plant Operator of the Year – John Moore
 - Distinguished Budget Presentation Award

- **Board and Commission Vacancies**

B. Manager's Announcements

5. **CONSENT AGENDA**

All items listed on the Consent Agenda will be considered as a group and will be enacted with one motion by the City Council. None of these items will be discussed unless a Councilmember removes an item or a citizen requests that a public hearing item be removed for separate consideration. Public hearing items are designated by an asterisk (*). Items scheduled for a Introduction/First Public Hearing will be heard, but will not be voted upon, at this meeting.

'q-j' indicates items that are quasi-judicial. The City Council sits as a quasi-judicial body when hearing variances. When sitting as a quasi-judicial body, the City Council must conduct itself as a court, not as a legislative body. This means that any materials or conversations concerning the variance can only be presented to the City Council at the scheduled public hearing. Pre-meeting contact with the City Council on quasi-judicial matters is prohibited.

A. Miscellaneous

10. Request approval of an Intergovernmental Agreement between the Tempe Union High School District and the City of Tempe for the provision of the Tempe TeenScreen Program.

DOCUMENT NAME: [20040819csjt01.pdf](#) TEMPE UNION HIGH SCHOOL DISTRICT (0109-14)

11. Request approval of the reappointment of City Judge MaryAnne Majestic to a 2-year term.

DOCUMENT NAME: [20040819ccfv01.pdf](#) COURT ADMINISTRATION (0501-02)

12. Request authorization for the Mayor to enter into a renewal of an existing Intergovernmental Agreement between the City of Tempe and Tempe Union High School District regarding the grant-funded school resource officer (SRO) program.

DOCUMENT NAME: [20040819cacc01.pdf](#) TEMPE UNION HIGH SCHOOL DISTRICT (0109-14)

13. Request approval of the 2nd Amendment of Agreement C2003-67 between Rock 'N' Roll Arizona, Inc., the Tempe Convention and Visitors Bureau and the City of Tempe for the City to host the finish of the half and full RNR marathons scheduled on January 9, 2005.

DOCUMENT NAME: [20040819csmr01.pdf](#) SPORTS ADMINISTRATION/POLICIES (0105-01-07)

14. Request approval of an Intergovernmental Agreement between the Town of Guadalupe and the City of Tempe regarding the maintenance of self-contained breathing apparatus.

DOCUMENT NAME: [20040819fdmk01.pdf](#) **FIRE/PARAMEDIC SERVICE
ADMIN (0605-01)**

15. Request to adopt the Notice of Intention setting the date and time (September 30, 2004 at 7:30 p.m.) for the public hearings to modify *waterrates*.

DOCUMENT NAME: [20040819fstd01.pdf](#) **MISCELLANEOUS FEES (0210-05)**

16. Request to adopt the Notice of Intention setting the date and time (September 30, 2004 at 7:30 p.m.) for the public hearings to modify *irrigation rates*.

DOCUMENT NAME: [20040819fstd02.pdf](#) **MISCELLANEOUS FEES (0210-05)**

17. Request to adopt the Notice of Intention setting the date and time (September 30, 2004 at 7:30 p.m.) for the public hearings to modify *wastewater rates*.

DOCUMENT NAME: [20040819fstd03.pdf](#) **MISCELLANEOUS FEES (0210-05)**

18. Request approval of a Risk Analysis and Hazard Mitigation Plan for the City of Tempe as required by the Federal Emergency Management Agency.

DOCUMENT NAME: [20040819fdmk02.pdf](#) **FIRE/PARAMEDIC SERVICE
ADMIN (0605-01)**

19. Request approval of the renewal of Contract T02-006-01 to Hurricane Aquatics for lake and fish maintenance for one year.

COMMENTS: Total amount of the contract shall not exceed \$36,000.

DOCUMENT NAME: [20040819fslg01.pdf](#) **PURCHASES (1004-01)**

20. DELETED

21. Request approval of an Amended Final Subdivision Plat for The Emerald Center located at 8475 South Emerald Drive.

COMMENTS: (Emerald Holdings, LLC, property owner) #SBD-2004.43 for an Amended Final Subdivision Plat consisting of two (2) lots on 23.7 net acres.

DOCUMENT NAME: [20040819dsrl01.pdf](#) **PLANNED DEVELOPMENT (0406)**

B. Award of Bids

22. Request to award a one-year contract with two (2) one-year renewal options to Partners For Strategic Action, Inc., for a planning consultant.

COMMENTS: Subject to execution of the final written contract. Total cost for this contract shall not exceed \$93,738 during the initial contract period.

DOCUMENT NAME: [20040819fsdl08.pdf](#) **PURCHASES (1004-01) RFP 04-092**

23. Request to award a one-year contract with two (2) one-year renewal options to Empire Maintenance Company, Inc., for duct cleaning and sanitizing services.

COMMENTS: Subject to execution of the final written contract. Total cost for this contract shall not exceed \$50,000 during the initial contract period.

DOCUMENT NAME: [20040819fst02.pdf](#) **PURCHASES (1004-01)** IFB#04-051RB

24. Request to award a one-year contract to Dionex Corporation for the purchase of an ion chromatograph and maintenance agreement.

COMMENTS: Subject to execution of the final written contract. Total cost for this contract shall not exceed \$60,672 during the initial contract period.

DOCUMENT NAME: [20040819fst05.pdf](#) **PURCHASES (1004-01)** RFP #04-134

25. Request to award a one-year contract with two (2) one-year renewal options to IHI Environmental, Hutzl & Associates, Inc., and Prime Consulting, Inc., for industrial hygiene consulting services.

COMMENTS: Subject to execution of the final written contract. Total cost for this contract shall not exceed \$100,000 during the initial contract period.

DOCUMENT NAME: [20040819fst06.pdf](#) **PURCHASES (1004-01)** RFP#04-083

26. Request to award a one-year sole source contract to Amigos Library Services for online catalog and inter-library loan services.

COMMENTS: Subject to execution of the final written contract. Total cost for this contract shall not exceed \$35,525 during the contract period.

DOCUMENT NAME: [20040819fsdl07.pdf](#) **PURCHASES (1004-01)** #05-031

27. DELETED

28. Request approval of a professional services contract with Wilson & Company for preparation of the Town Lake Reuse Pipeline Alignment Study.

COMMENTS: Subject to execution of the final written contract. Total cost of this contract shall not exceed \$249,090.

DOCUMENT NAME: [20040819PWTG02.pdf](#) **WATER MANAGEMENT ADMIN (0811-13)** PROJECT NO. 3201601

29. Request approval of a professional services contract with Project Engineering Consultants, Ltd., for design of the Rural/Lemon/Terrace Water and Sewer Improvements.

COMMENTS: Subject to execution of the final written contract. Total cost of this contract shall not exceed \$210,204.

DOCUMENT NAME: [20040819PWTG03.pdf](#) **WASTEWATER MANAGEMENT ADMIN (0812-01)** PROJECT NO. 3201661

C. Ordinances and Items for Introduction/First Hearing - These items will have two public hearings before final Council action.

- *30.** This is the **introduction and first public hearing** for an ordinance authorizing an Intergovernmental Agreement between the City of Tempe and the Federal Bureau of Investigation (FBI) for use of Bell Butte for communication purposes. **The second public hearing is set for September 9, 2004.**

DOCUMENT NAME: [20040819ITDH02.pdf](#) COMMUNICATIONS (1002)
Ordinance No. 2004.34

- *31.** This is the **introduction and first public hearing** for an ordinance authorizing a license agreement with Southwest Ambulance Service for use of Bell Butte for communication purposes. **The second public hearing is set for September 9, 2004.**

DOCUMENT NAME: [20040819ITDH01.pdf](#) AMBULANCE (0607-02)
Ordinance No. 2004.33

- *32.** DELETED

- *33.** This is the **introduction and first public hearing** for an ordinance authorizing the Mayor to execute an Agreement for Conveyance and Leaseback of Land and Improvements Lease and Exhibits with GDG Partners, L.L.C. **The second public hearing is set for September 9, 2004.**

DOCUMENT NAME: [20040819edca01.pdf](#) RIO SALADO MASTER PLAN (0112-07-03) Ordinance No. 2004.35

D. Ordinances and Items for Second Hearing/Final Adoption

- q-j ***34.** This is the **second public hearing** for an Amended Final Plan of Development for Great Wall Super Buffet, located at 4455 South Rural Road.

COMMENTS: (Perry Pavlina, property owner) **#SFP-2004.47** for an Amended Final Plan of Development for Site D-1, Lake Country Plaza, consisting of an existing 6,536 net s.f. restaurant on 1.22 acres, including the following:

Variances:

1. Reduce the minimum required parking spaces from 87 to 79.
2. Waive the required landscape islands at the end of parking aisles along the east property line and the required landscape islands to separate rows of more than fifteen (15) along the north and east property line. (Ord. 808 Sec. 3-206)

DOCUMENT NAME: [20040819dsrl02.pdf](#) PLANNED DEVELOPMENT (0406)

- *35.** This is the **second public hearing** for McClintock Animal Clinic for an Amended General and Final Plan of Development, *including a use permit* for a veterinary clinic, located at 1836 East Elliot Road.

COMMENTS: (Joel & Nancy Higginbotham property owners; Dr. Tracy Wright, business owner) #SGF-2004.53 for an Amended General Plan of Development for Capistrano Village consisting of 30,361 square feet on 5.00 net acres, and a Final Plan of Development for McClintock Animal Clinic consisting of 5,650 square feet on 1.19 net acres, including the following:

Use Permit:

Allow a veterinary clinic with no boarding in the PCC-1 Zoning District.

DOCUMENT NAME: [20040819dsrl05.pdf](#) **PLANNED DEVELOPMENT (0406)**

E. Resolutions

36. DELETED

6. **NON-CONSENT AGENDA**

- *37. Request by Flower Frenzy to appeal a Design Review Board condition of approval for a building mounted sign located at 744 West Elliot Road.

COMMENTS: On June 17, 2004, the Design Review Board (DRB) added Condition #2, requiring the sign to be changed to red, as required by the sign package criteria for Eldorado Crossing, which allows either red or blue lettering. PCC-1, Planned Commercial Center District, and Southwest Overlay District.

DOCUMENT NAME: [20040819dsbk04.pdf](#) **DESIGN REVIEW BOARD APPEAL (0102) DRB04084**

- *38. Request to appeal a Redevelopment Review Commission condition of approval for Centerpoint Residential for a Final Planned Area Development (P.A.D.) and 10TH Amended Preliminary P.A.D. located at 75 W. 5th Street.

COMMENTS: (Tempe Land Company, LLC, property owner) #RRC04016 – Modification of Condition #88.

DOCUMENT NAME: [20040819dsdk06.pdf](#) **REDEVELOPMENT REVIEW COMMISSION / APPEAL OF DESIGN REVIEW CONDITION**

39. Request approval of a resolution authorizing the Mayor to enter into an Intergovernmental Agreement between Arizona Board of Regents and the City of Tempe regarding the Multi-Use/Educational District.

DOCUMENT NAME: [20040819dscm01.pdf](#) **ARIZONA STATE UNIVERSITY (0109-02) RESOLUTION NO. 2004.75**

- q-j *40. This is the **introduction and first public hearing** for a zoning change, Preliminary and Final Planned Area Development including a variance, and a Final Subdivision Plat for 5th Street Townhomes located at 598 West 5th Street. **The second public hearing is set for September 9, 2004.**

COMMENTS: (Joseph Lewis, property owner)

#ZON-2004.06 Ordinance No. 808.2004.06 for a zoning change from R-3, Multi-Family Residential Limited to R1-PAD One Family Residential on 0.33 gross acres.

#SPD -2004.07 for a Preliminary and Final Planned Area Development (PAD) consisting of seven, 3-story, one and two bedroom townhomes (5 two-bedroom and 2 one-bedroom, totaling 10,833 square feet) on 0.33 net acres, including:

Variance:

Waive the requirement of Planned Area Development's for site areas of at least 0.50 (1/2) net acres.

#SBD-2004.08 for an Amended Final Subdivision Plat consisting of seven (7) lots and two (2) tracts on 0.33 net acres.

DOCUMENT NAME: [20040819dsd2k03.pdf](#)
(0406)

PLANNED DEVELOPMENT

7. CURRENT EVENTS/COUNCIL ANNOUNCEMENTS

8. PUBLIC APPEARANCES

According to the Arizona Open Meeting Law, the City Council may only discuss matters listed on the City Council agenda. Matters discussed by the public during public appearances cannot be discussed by the City Council unless they are specifically listed on the agenda. There is a five-minute time limit per speaker. Speaker's visual aids or recorded tapes will not be allowed during formal meetings.

Members of the public attending City Council meetings shall refrain from making personal, impertinent or slanderous remarks and from becoming boisterous while addressing the City Council or while attending the meeting. Unauthorized remarks from the audience, stomping of feet, yelling or any similar demonstrations are also prohibited. Violations of these rules may result in removal from the City Council meeting.